

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

M2 CONSULTING, INC.

Plaintiff,

v.

C.A. No. 03-12589-GAO

MRO SOFTWARE, INC.

Defendant.

**MRO SOFTWARE, INC.'S MOTION FOR LEAVE TO FILE REPLY IN  
SUPPORT OF ITS MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. Local Rule 7.1(B)(3), Defendant/Plaintiff-in-Counterclaim MRO Software, Inc. ("MRO") respectfully moves for leave to file the Reply submitted herewith in support of its Motion for Preliminary Injunction ("MRO's Motion"), and in response to M2 Consulting, Inc.'s ("M2") Opposition to MRO's Motion. A copy of MRO's Reply is attached as Exhibit A.

Counsel for the parties have conferred concerning this motion and M2's attorney has agreed not to oppose this motion.

In its Opposition, M2 does not dispute that it is currently making copies of MRO's MAXIMO software in violation of the Copyright Act, rather it claims that it was fraudulently induced to enter into the November 4, 2002 Hosting Agreement with MRO. This defense is critical to the likelihood of success prong of the preliminary injunction standard. Thus, MRO seeks leave to file the attached Reply to respond to M2's fraud claim, an issue that was not addressed in connection with MRO's Motion. Allowing this motion is therefore in the interests of justice and efficiency since it will permit MRO to

assist the Court in understanding the factual and legal basis of M2's fraud claim, as it relates to MRO's Motion.

Accordingly, this motion should be allowed and MRO's Reply attached as Exhibit A should be filed with the Court.

MRO SOFTWARE, INC.

By its attorneys,

/s/ Kurt Bratten

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Dated: January 26, 2006

**Local Rule 7.1 Certificate of Compliance**

Counsel for the Defendant hereby certifies that, pursuant to Rule 7.1(A)(2) of the Local Federal Rules of Civil Procedure, he (1) has conferred with counsel for the Plaintiff regarding the attached motion, and (2) has attempted in good faith to resolve or narrow the issues presented.

/s/ Lee Gesmer

Lee Gesmer